



**COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION**

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**DRAFT  
MITIGATED NEGATIVE DECLARATION**

**I. DESCRIPTION OF PROJECT:**

**APN:** 767-07-065, 767-07-042, and 767-08-003

**Project Title:** Little Llagas Creek Park Project

**Project Location:** The 1.7-acre project site is located approximately 200 feet west of the intersection of West Third Street and Monterey Road, within downtown Morgan Hill. **Figure 1** of the Initial Study shows the location of the project site. The proposed park site consists of three parcels (APNs 767-07-065, 767-07-042, and 767-08-003) comprising approximately one acre that has been historically used for drainage and open space purposes.

**Project Proponent:** City of Morgan Hill  
17575 Peak Avenue  
Morgan Hill, CA 95037

**Project Description:** The City proposes to construct the following access improvements in the West Third Street right-of-way as part of the project:

- Demolition of signs, utility and light poles, curbs, and fencing;
- Replacement of the one-lane bridge with a two-lane bridge meeting City roadway standards;
- Repaving of West Third Street from the new bridge to Del Monte Avenue, and repaving of Del Monte Avenue from West Third Street to Nob Hill Terrace;
- Installation of a paved parking area for the proposed Little Llagas Creek Park;
- Construction of asphalt pedestrian path and concrete curb separator from roadway along West Third Street and Del Monte Avenue along pathway and parking striping, and bike racks;
- Retention and protection of lighting pole, utility, test well, fencing, and road and utility improvements west of the bridge;

- Clearing of non-native vegetation and grading for installation of activity appropriate surfacing such as resilient surfacing, decomposed granite, mulch, and asphalt and concrete paving;
- Installation of various types of play equipment, benches, signage, and picnic tables;
- Installation of a pedestrian bridge across West Little Llagas Creek; and
- Provision of a kiosk with city information, a security camera, and public art.

The proposed project involves the construction and installation of recreational facilities improvements on an open space site and roadway improvements to segments of West Third Street and Del Monte Avenue. The City plans to provide passive recreation facilities on three parcels that comprise the proposed park site. Two of the parcels consist of 0.89 acres and adjoin West Little Llagas Creek between West Second Street and West Third Street. A third 0.11-acre parcel south of West Third Street and immediately adjoining the east side of West Little Llagas Creek would also be developed for recreational purposes.

## II. DETERMINATION

In accordance with the City of Morgan Hill procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project, and, therefore, this **MITIGATED NEGATIVE DECLARATION** has been prepared.

## III. CONDITIONS (Mitigation and Standard Measures):

### A. *Air Quality*

The following standard measure will reduce potential construction-related air quality impacts on nearby sensitive receptors:

**SM AQ-1:** In accordance with the City of Morgan Hill Standard Conditions of Approval, a management plan detailing strategies for control of dust during construction of the project shall be included on all site development and grading plans. The intent of this condition is to minimize construction-related disturbance of residents of the nearby or adjacent properties. [Section 18.48.005 of the Morgan Hill Municipal Code].

Although the project's construction-related air pollutant emissions would not exceed the BAAQMD's applicable significance thresholds, the following measures are recommended by the BAAQMD to reduce the project's construction emissions:

**MM AQ-1: Basic Construction Measures.** To limit the project's construction-related dust and criteria pollutant emissions, the following BAAQMD-recommended Basic Construction Mitigation Measures shall be included in the project's grading plan, building plans, and contract specifications:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

*B. Biological Resources*

The project's construction-related activities, including demolition of structures, site preparation, and grading could have potentially significant effects on special-status animal species that could be expected on the project site or using suitable habitat on-site. Implementation of the following measures would reduce these potentially significant effects to less than significant levels:

**MM BIO-1: Special-Status Bats.** Prior to the removal and/or pruning of mature trees, the measures presented below shall be performed.

- a. A qualified biologist, knowledgeable about local bat species and experienced with bat survey methods, shall inspect all trees that could support bats in the project area prior to the start of site disturbance (e.g. demolition, vegetation removal and earthwork). Surveys should be conducted during appropriate weather to detect bats (not in high winds or during heavy rain events). One daytime and up to two nighttime surveys (starting at least 1 hour prior to dusk) shall be conducted to determine if bats are present. If bats are detected, additional surveys utilizing acoustic monitoring or other

methods may be necessary depending on the recommendations of the bat biologist.

- b. Preconstruction surveys for bats shall be conducted within two weeks prior to the removal of any trees or structures that are deemed to have potential bat roosting habitat. If bats are detected on-site and would be impacted by the project, then appropriate mitigation measures will be developed with approval from CDFW. Mitigation measures would include one or more of the following methods: using one-way doors to exclude non-breeding bats, opening up roof areas of structures to allow airflow that would deter bats from roosting, and taking individual trees down in sections to encourage bats to relocate to another roost site. Typically this work is conducted in the evening when bats are more active, and this work shall be conducted under the guidance of an experienced bat biologist.
- c. Mitigation for impacts to a maternity bat roost, if detected, will be determined through consultation with CDFW, and may include construction of structures that provide suitable bat roosting habitat (i.e. bat houses, bat condos) for the particular species impacted.

**MM BIO-2: Nesting Raptors and Other Migratory Birds.** Pre-construction surveys for nesting birds shall be conducted by a qualified biologist not more than two weeks prior to site disturbance during the breeding season (February 1 through August 31). If site disturbance commences outside the nesting season, pre-construction surveys for nesting birds are not required. If active nests of raptors and other migratory birds are not detected within approximately 300 feet of the project site, no further mitigation is required. If nesting raptors or other migratory birds are detected on or adjacent to the site during the survey, a suitable construction-free buffer shall be established around all active nests. The dimensions of the buffer (generally 50 feet for passerines and 300 feet for raptors) shall be determined at that time and may vary depending on location and species. The buffer areas shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.

**MM BIO-3: Discharge of Fill and Excavation into Waters of the U.S. and State.** If the discharge of fill or excavation in waters of the U.S. and State is required, the measures presented below shall be implemented.

- a. The fill and excavation of waters of the U.S. and State will be avoided and minimized to the extent feasible. The new bridges will span the creek to avoid the permanent discharge of fill in waters of the U.S. and State. If temporary discharges of fill occur during construction, they will be removed and the creek banks and channel will be restored to pre-construction conditions. Authorization for the fill and excavation of waters of the U.S. and state shall be obtained by the City of Morgan Hill prior to the start of construction.

- b. Adverse impacts to water quality shall be avoided and minimized by implementing the following measures:
- Prior to the start of site disturbance activities, construction barrier fencing and silt fencing shall be installed at the limit of construction activity along the creek to prevent the inadvertent discharge of sediment and construction materials into the creek. Any debris that is inadvertently deposited into the creek during construction shall be removed in a manner that minimizes disturbance.
  - All construction within jurisdictional features shall be conducted consistent with permits issued by the Corps, RWQCB and CDFW. Construction activities within these features shall be completed promptly to minimize their duration and resultant impacts.
  - Contractors shall be required to implement a Storm Water Pollution Prevention Plan (SWPPP) that describes Best Management Practices including the conduct of all work according to site-specific construction plans that minimize the potential for sediment input to the aquatic system, avoiding impacts to areas outside the staked and fenced limits of construction, covering bare areas prior to storm events and protecting disturbed areas with approved erosion control materials.

C. *Noise*

The following standard measure will reduce potential construction-related noise impacts on nearby sensitive receptors:

**SM NV-1:** Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).

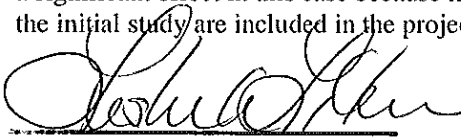
In addition to SM NV-2, the following noise attenuation measures shall be implemented as conditions of approval to reduce the significant noise impacts on adjacent residential receptors to a less than significant level:

**MM NOI-1: Implement Construction Noise Controls.** Quiet or "new technology" equipment should be used wherever feasible. The greatest potential for noise abatement of current equipment should be the quieting of exhaust noises by use of improved mufflers. Therefore, it is recommended that all internal combustion engines used at the project site be equipped with a type of muffler recommended by the vehicle manufacturer. In addition, all equipment should be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components. Construction noise should also be mitigated by the following measures:

- All diesel-powered equipment should be located more than 200 feet from any residence to the extent feasible if the equipment is to operate for more than several hours per day.
- Stockpiled materials should be located so that they can help block construction noise at nearby sensitive receptors.
- Noise reduction benefits could also be achieved by appropriate selection of equipment utilized for various operations (subject to equipment availability and cost considerations). The following measures are recommended to reduce noise impacts on nearby residents:
  - Earth Removal: Use scrapers as much as possible for earth removal, rather than the noisier loaders and hauling trucks.
  - Backfilling: Use a backhoe for backfilling, as it is less costly and quieter than either dozers or loaders.
  - Ground Preparation: Use a motor grader rather than a bulldozer for final grading.
  - Building Construction: Powers saws should be shielded or enclosed where practical to decrease noise emissions. Nail guns should be used where possible as they are less noisy than manual hammering.

#### IV. FINDING

The City of Morgan Hill Community and Economic Development Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the initial study are included in the project.



Leslie Little  
Assistant City Manager for Community Development

Date: 10-31-16